

IN RE: PETITION FOR RESIDENTIAL * BEFORE THE ZONING
 ZONING VARIANCE
 W/S Council Street, 280 ft. +/- * COMMISSIONER OF
 N of c/l Sulphur Spring Road
 5406 Council Street * BALTIMORE COUNTY
 13th Election District
 1st Councilmanic District * Case No. 97-135-A
 James D. Rother, Jr., Petitioner
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by James D. Potter, Jr., property owner, for that property known as 5406 Council Street in the Arbutus section of Baltimore County. The Petitioner/property owner herein seeks a variance from Sections 1B02.3.B and 301.1A of the Baltimore County Zoning Regulations (BCZR), to permit a side yard setback of 4.5 ft., in lieu of the required 11.25 ft.; and a rear yard setback of 18 ft., in lieu of the required 37.5 ft., for a deck and pool. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

ORDER RECEIVED FOR FILING

Date

By

10/24/96
 Jm. P. P. P.

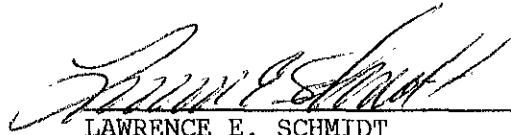
MICROFILMED

Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of October, 1996 that a variance from Sections 1B02.3.B and 301.1A of the Baltimore County Zoning Regulations (BCZR), to permit a side yard setback of 4.5 ft. in lieu of the required 11.25 ft.; and a rear yard setback of 18 ft., in lieu of the required 37.5 ft., for a deck and pool, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:man

ORDER
10/24/96
M. G. Oak

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 24, 1996

Mr. James D. Rother, Jr.
5406 Council Street
Arbutus, Maryland 21227

RE: Petition for Administrative Variance
Case No. 97-135-A
Property: 5406 Council Street

Dear Mr. Rother:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.

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Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

97-135-A

for the property located at

5406 Council St.

which is presently zoned

DR 10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.8; 8C22, TO 8C22.1 AND 301.1A; 8C22, TO PERMIT A SIDEYARD SETBACK OF 4.5' IN LIEU OF THE REQUIRED 11.25' AND A REARYARD SETBACK OF 18' IN LIEU OF THE REQUIRED 37.5' FOR A DECK/POOL.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See attached affidavit.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner.

(Type or Print Name)

Signature

Address

Phone No

City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

James D. Rother Jr.
(Type or Print Name)

James D. Rother Jr.
Signature

(Type or Print Name)

Signature

5406 Council St. (410) 536-9390
Address Phone No

Arbutus Md. 21227
City State Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: JUM

DATE: 9-24-96

ESTIMATED POSTING DATE: 10-6-96

Printed with Soybean Ink
on Recycled Paper

ITEM #: 135

MICROFILMED

97-135-A

Affidavit in support of ~~RE-135-A~~ Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 5406 Council St.
address
Arbutus Md. 21227
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

My wife is crippled and cannot climb a ladder
to be able to use the pool. I have to lift her
to get her in and out. The deck would allow my
wife to be able to use the pool for her therapy
with out someone having to be there to get
her in and out.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

James D. Rother Jr.
(signature)
James D. Rother Jr.
(type or print name)



(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19th day of August, 1996, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

James D. Rother, Jr.

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

August 19, 1996
date

Michelle Lee Popp
NOTARY PUBLIC

My Commission Expires: July 6, 1998

135

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97-135-A

Zoning description for 5⁴⁰⁶ Council St.

Beginning at a point on the west side of Council St. which is 50' wide at the distance of 280'+- north of the centerline of the nearest improved intersecting street Sulphur Spring Rd. which is 60' wide. Being Lot #18, Block B, ~~section~~ in the subdivision of Sulphur Spring as recorded in Baltimore County Plat Book #24, Folio #111 also known as 3832.95# and located in the 15th Election District, 1st Councilmanic District.

135

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BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

135 No. 024882

DATE 9-24-94 ACCOUNT PO001-6150

AMOUNT \$ 50.00

RECEIVED FROM James R. Miller 5406 Council St.

AD. 042. (010) 50.00

FOR: MICROFILMED

01A00#0265MICHRC \$50.00

SA 0010:50AM09-24-94

VALIDATION OR SIGNATURE OF CASHIER

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Scm



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

97-135-A

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 135 Petitioner: James D Rother Jr.

Location: 15406 Council St.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: James D. Rother Jr.

ADDRESS: 15406 Council St.

Arbutus Md. 21227

PHONE NUMBER: (410) 536 9390

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Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: _____

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____


plat book # _____, folio # _____, lot # _____, section # _____

OWNER: _____



North

date: _____ prepared by: _____ Scale of Drawing: 1"= _____

 North
Vicinity Map
Scale: 1"=1000'

LOCATION INFORMATION

Election District: _____

Councilmanic District: _____

1"=200' scale map#:

Zoning: _____

Lot size: _____ acreage _____ square feet

SEWER: ☐ public ☐ private
WATER: ☐ ☐

Chesapeake Bay Critical Area: ☐ yes ☐ no

Prior Zoning Hearings: _____

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____

CERTIFICATE OF POSTING

RE: Case No.: 97-135-A

Petitioner/Developer: JAMES ROTHER ETAL

Date of Hearing/Closing: OCT. 21, 1996

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 5406 COUNCIL ST.

The sign(s) were posted on OCT. 5, 1996
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 10/10/96
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21038
(City, State, Zip Code)

666-5366
(Telephone Number)



Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than 10-6-96.

Format for Sign Printing, Black Letters on a White Background:

ZONING NOTICE

ADMINISTRATIVE VARIANCE

Case No.: 97-135A.

TO PERMIT A SIDEYARD SETBACK of 4.5' IN LIEU
of the REQUIRED 11.25' AND A REARYARD SETBACK of
18' IN LIEU of the REQUIRED 37.5' for
A DECK / POOL

PUBLIC HEARING ?

**PURSUANT TO SECTION 26-127(b) (1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING
CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON**

10-21-96

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 3, 1996

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-135-A (Item 135)

5406 Council Street

W/S Council Street, 280' +/- N of c/l Sulphur Spring Road

13th Election District - 1st Councilmanic

Legal Owner(s): James D. Rother, Jr.

Post by Date: 10/6/96

Closing Date: 10/21/96

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

- 1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/She may (a) grant the requested relief, (b) deny the requested relief, or (c) Order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign, must be forwarded to this office.

PLEASE UNDERSTAND THAT ON THE CLOSING DATE, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: James D. Rother, Jr.



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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 18, 1996

Mr. James D. Rother, Jr.
5406 Council Street
Arbutus, MD 21227

RE: Item No.: 135
Case No.: 97-135-A
Petitioner: James Rother, Jr.

Dear Mr. Rother:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 24, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr.", written over a circular stamp.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 10/8/96

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: OCT. 7, 96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

130

135

147

131

136

148

132

142

133

146

RBS:sp

BRUCE2/DEPRM/TXTSBP

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Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 10/07/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF OCT. 07, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 131, 132, 133, 134, 135, 136,
137, 138, 139, 140, 141, 142, 146 AND 147.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED



B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: October 4, 1996

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 131, 132, 133, 134, 135, 138, 140, 141, 142, 146, and 147

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Dary L. Kerns

PK/JL



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

10/7/96

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 135 (JCM)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Smail at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

UNRECORDED

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free


Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202


James D. Rother, Jr.
5406 Council St.
Arbutus, Maryland

97-135-A

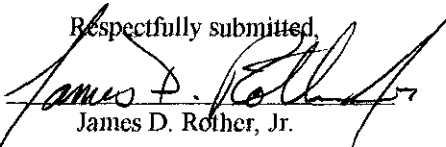
To Whom it may concern,

We the neighbors of Mr. Rother have no objections to the proposed new decks he wishes to construct on the back of his home.


Mr. & Mrs. Greg Samples
5404 Council St.
Arbutus, Maryland


Mrs. Linda Roberts
5408 Council ST.
Arbutus, Maryland

Respectfully submitted,


James D. Rother, Jr.

135

97-135-A

8/20/96

To Whom it may concern;

Marcelene Rother has been a patient of mine in the past for rehabilitation after surgery to her leg. While she was a patient here, she participated in our water therapy program. Due to the deformity in her leg and limited tolerance for putting weight on her leg, the water has proven to be the most beneficial environment for her to exercise in.

It is my understanding that she has a swimming pool installed in her yard. The access to the pool is currently a ladder. With her leg, climbing a ladder would be dangerous and potentially injurious. She would not be able to take advantage of the pool for daily exercise if the only access to it is a ladder. If she had a deck and stair step entry system, she would be able to enter the pool much more safely. I have strongly recommended this to the patient. If you require any additional information, please contact me at 247-1100. Thank you.

Sincerely,


Guy Seeley P.T.

135

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SECRET VALUE

21. 5V "ELC" (Elastic Limit Control) 0.5 - 1.5V

— GUTTER EDGE OF PRINT ON THIS : 77 —

SW15E
PANEL 505
FLOOD ZONE C & B

(SHEET S.W-5-D)

97-135-A

D.R.5.5

D.R.

D.R.10.5

GAYLORD
MANOR

COUNCIL

ALLEY

ST.

HIGHBRIDGE

ALLEY

ST

D.R. 10.5

STREET

9,000

7-1-1

AVE

ROAD

JUNE

H

1

3

GAY
OAKS
PARK

UNCLASSIFIED

MEETERY

DOWDENTOWN

Q

917-26 Avenue

GARRETT

—

ERY



[Signature]
DIRECTOR

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

[Signature]
BUILDINGS ENGINEER

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information

PROPERTY ADDRESS: 5406 Council St.

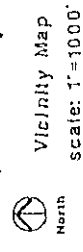
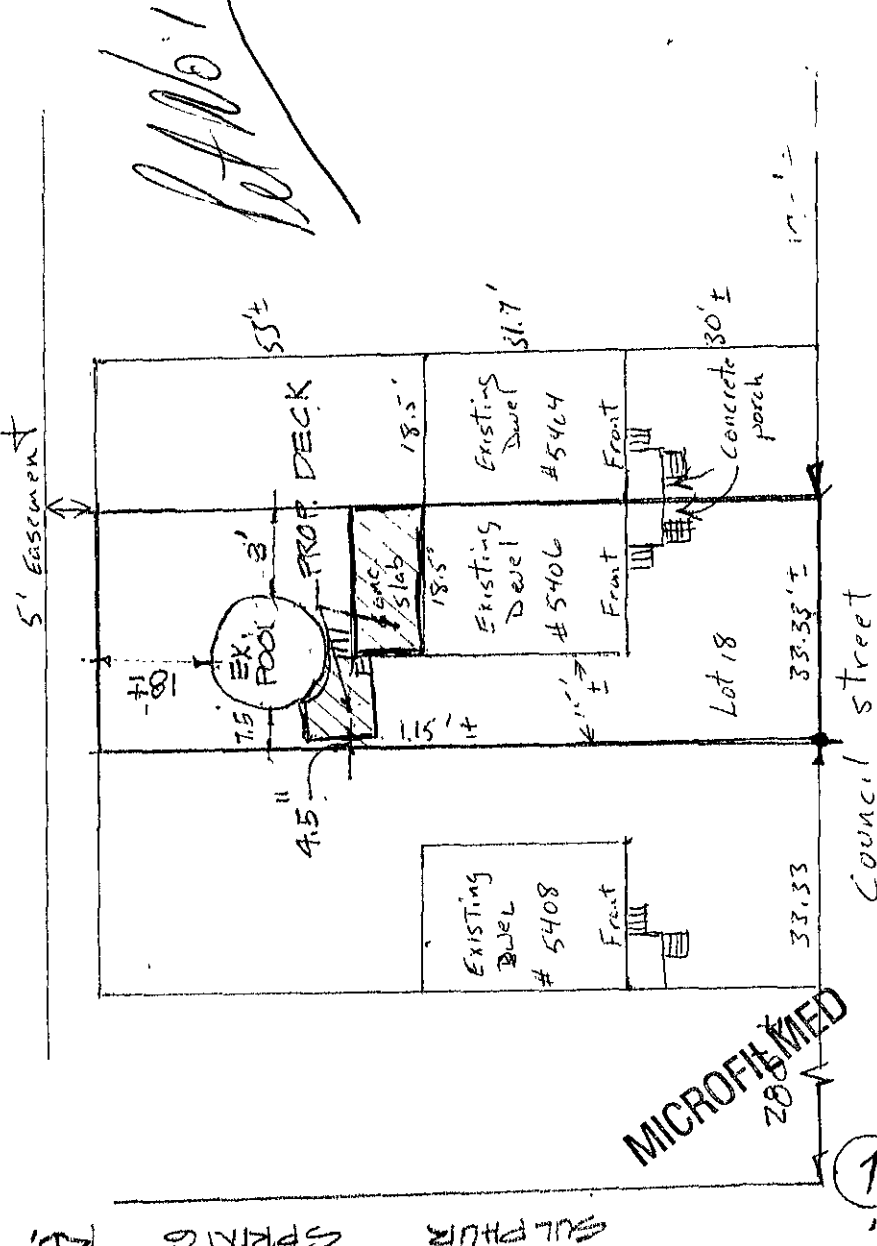
Subdivision name: Sulphur Spring

[plat book # 24, folio # 11, lot # 18, section #

OWNER: James D. Rother Jr.

(1957)

97-135-A



LOCATION INFORMATION

Election District: 1
 Councilmanic District: 13
 1"=200' scale map#: SWSE
 Zoning: DR10.5
 Lot size: 3832.95 acreage square feet

Public Private
 SEWER: ☒ ☐
 WATER: ☒ ☐
 Chesapeake Bay Critical Area: ☐ ☒
 Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: JDR ITEM #: 135 CASE #:

date: 1/28/57 prepared by: JDR Scale of Drawing: 1"= 30'

MICROFILMED 28 FEB 1957

97-135-A



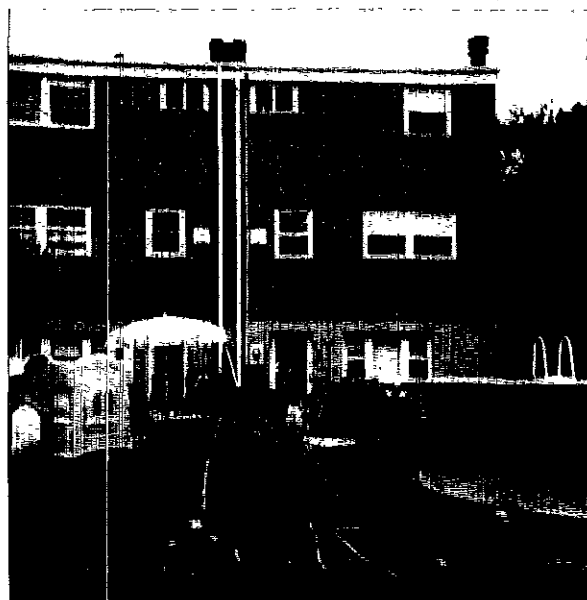
FRONT OF HOUSE

135



FRONT VIEW OF SIDE
OF HOUSE

135



BACK VIEW OF HOUSE

135



BACK VIEW OF SIDE
OF HOUSE

135

MICROFILMED

10802
20233
71016
71017
71020
70821
10893
10895

80005
80006
80002
80011
80008
80004
80001

ITEM NOS.	APPROX. QUANTITIES	DESCRIPTION OF ITEMS AND PRICES BID (IN WRITTEN WORDS)	UNIT PRICES	AMOUNTS
3	100	SQUARE FEET OF TEMPORARY TRAFFIC CONTROL SIGNS	DOLLS. CTS	
4	10	CUBIC YARDS OF CLASS 2 EXCAVATION FOR SEDIMENT CONTROL	DOLLS. CTS	
24	1	TON OF #2 STONE FOR SEDIMENT CONTROL	DOLLS. CTS	
25	L.S.	MAINTENANCE & REPAIR OF EXISTING SEDIMENT CONTROL DEVICES	DOLLS. CTS	
26	100	LINEAR FEET OF STRAW BALES FOR SEDIMENT CONTROL	DOLLS. CTS	
23	225	SQUARE YARDS OF SOLID SODDING WITH PEGGING	DOLLS. CTS	
34	1	TON OF C&G FOR MAINTENANCE OF TRAFFIC	DOLLS. CTS	
35	1	TON OF BITUMINOUS CONCRETE FOR MAINTENANCE OF TRAFFIC	DOLLS. CTS	
		TONS OF CRUSHER RUN AGGREGATE FOR MAINTENANCE OF TRAFFIC	DOLLS. CTS	
		TONS OF BITUMINOUS CONCRETE FOR MAINTENANCE OF TRAFFIC	DOLLS. CTS	
30	1	CUBIC YARDS OF MIX #1 CONCRETE FOR MISCELLANEOUS STRUCTURES	DOLLS. CTS	
31	270	CUBIC YARDS OF BORROW FOR BACKFILLING TRENCHES	DOLLS. CTS	
28	257	CUBIC YARDS OF CLASS 3 EXCAVATION & SELECT BACKFILL	DOLLS. CTS	
		CUBIC YARDS OF SELECTED BACKFILL	DOLLS. CTS	
33	20	LINEAR FEET OF FURNISH AND LAY EXTRA STRENGTH 6 IN. UTILITY UNDERDRAIN	DOLLS. CTS	
		M. FT. B. M. OF SHEETING AND SHORING LEFT IN PLACE	DOLLS. CTS	
32	1	TONS OF CALCIUM CHLORIDE	DOLLS. CTS	
29	1	CUBIC YARDS OF MIX #1 CONCRETE	DOLLS. CTS	
27	1	CUBIC YARDS OF TEST PIT EXCAVATION	DOLLS. CTS	
		18 WORKING DAYS TO COMPLETE THIS CONTRACT.	DOLLS. CTS	

NOTE: USE CURRENT UNIT PRICES FOR FIXED PRICE ITEMS



SCALE LOCATION SHEET

1" = 200' ±

MICROFILMED, W.

CROWDENTOWN

5-E

DATE

OF

PHOTOGRAPHY

JANUARY

1986

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING PHOTOGRAPHIC MAP

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE, W/S Council Street, 280 ft. +/- N of c/l Sulphur Spring Road 5406 Council Street 13th Election District 1st Councilmanic District James D. Rother, Jr., Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by James D. Potter, Jr., property owner, for that property known as 5406 Council Street in the Arbutus section of Baltimore County. The Petitioner/property owner herein seeks a variance from Sections 1802.3.B and 301.1A of the Baltimore County Zoning Regulations (BCZR), to permit a side yard setback of 4.5 ft., in lieu of the required 11.25 ft.; and a rear yard setback of 18 ft., in lieu of the required 37.5 ft., for a deck and pool. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of October, 1996 that a variance from Sections 1802.3.B and 301.1A of the Baltimore County Zoning Regulations (BCZR), to permit a side yard setback of 4.5 ft. in lieu of the required 11.25 ft.; and a rear yard setback of 18 ft., in lieu of the required 37.5 ft., for a deck and pool, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

-2-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 24, 1996

Mr. James D. Rother, Jr.
5406 Council Street
Arbutus, Maryland 21227

RE: Petition for Administrative Variance
Case No. 97-135-A
Property: 5406 Council Street

Dear Mr. Rother:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.

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on Recycled Paper



Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County

for the property located at 5406 Council St.
which is presently zoned UR10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached, hereby petition for a Variance from Sections 1802.3.B and 301.1A of the BCZR, to permit a side yard setback of 4.5' in lieu of the required 11.25' and a rear yard setback of 18' in lieu of the required 37.5' for a deck/pool.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

See attached affidavit.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

Contract Purchaser/Lessee

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property, which is the subject of this Petition.

Legal Owner(s)
James D. Rother, Jr.

Type or Print Name

Signature
James D. Rother, Jr.

Address

Type or Print Name

City

Signature

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Address
5406 Council St. Arbutus, MD 21227

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Exhibit A

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than 10-6-96

Format for Sign Printing, Black Letters on a White Background:

ZONING NOTICE

ADMINISTRATIVE VARIANCE

Case No.: 97-135A

To Permit A SIDEYARD SETBACK of 4.5' IN REAR
of the REARWARD 11.25' AND A REARWARD SETBACK of
18' IN REAR of the REARWARD 37.5' REAR
A DECK/PERCH

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b) (1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING
CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON
10-21-96

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

976
post.doc



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 3, 1996

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-135-A (Item 135)
5406 Council Street
W/S Council Street, 280' +/- N of c/l Sulphur Spring Road
13th Election District - 1st Councilman
Legal Owner(s): James D. Rother, Jr.
Post by Date: 10/6/96
Closing Date: 10/21/96

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

- 1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/she may (a) grant the requested relief, (b) deny the requested relief, or (c) Order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign, must be forwarded to this office.

PLEASE UNDERSTAND THAT ON THE CLOSING DATE, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Arnold Jablon
Director

cc: James D. Rother, Jr.

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on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 18, 1996

Mr. James D. Rother, Jr.
5406 Council Street
Arbutus, MD 21227

RE: Item No.: 135
Case No.: 97-135-A
Petitioner: James Rother, Jr.

Dear Mr. Rother:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 24, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO: PDM
FROM: R. Bruce Sealey
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: Oct. 7, 96

DATE: 10/3/96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:	130	135	147
	131	136	148
	132	142	
	133	146	

RBS:sp

BRUCE2/DEPRM/TXTSBP

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 10/07/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1103

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF OCT. 07, 1996.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 146 AND 147.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: October 4, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 131, 132, 133, 134, 135, 138, 140, 141, 142, 146, and 147

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: *Jeffrey W. Long*
Division Chief: *Carol L. Kerns*

PK/JL

ITEM131/PZONE/ZAC1



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 135 (JCM)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2288 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

James D. Rother, Jr.
5406 Council St.
Arbutus, Maryland

97-135-A

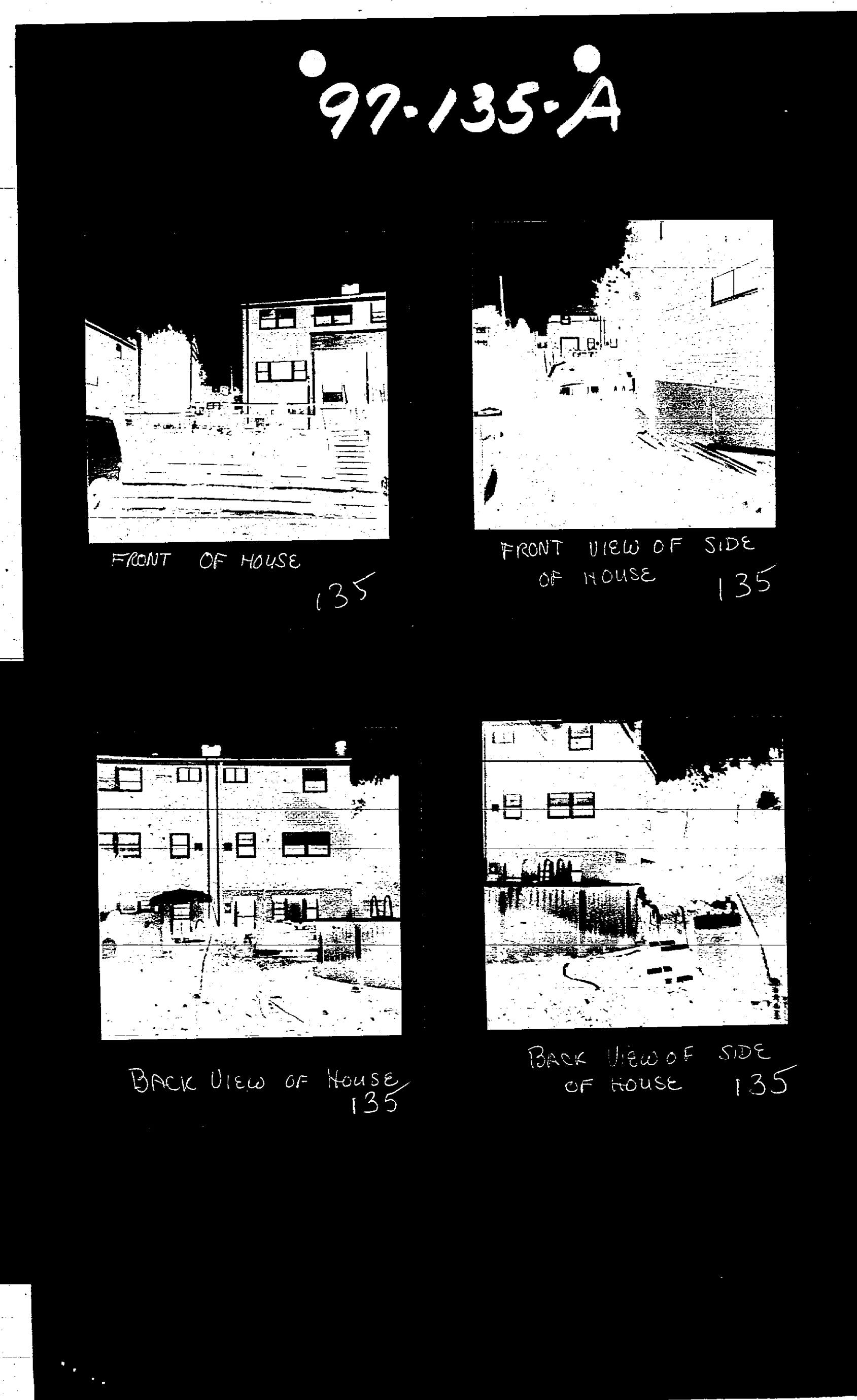
To Whom it may concern:
We the neighbors of Mr. Rother have no objections to the proposed new decks he wishes to construct on the back of his home.

Mr. & Mrs. Greg Samples
Mr. & Mrs. Greg Samples
5404 Council St.
Arbutus, Maryland

Mrs. Linda Roberts
Mrs. Linda Roberts
5408 Council St.
Arbutus, Maryland

Respectfully submitted,

James D. Rother, Jr.
James D. Rother, Jr.





BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
CROWDENTOWN

SHEET
S.W.
5-E

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401